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Dennis Sunga Fernandez

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EXAMINER

VO, TUNG T

ART UNIT

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/823,506

Applicant(s)

FERNANDEZ ET AL.

Examiner

Tung Vo

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/22/2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-69 is/are pending in the application.
4a) Of the above claim(s) 1-37 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 38-69 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3, 40, 47, 48, 55, 63, and 67 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term “automatically” is not disclosed in the specification.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 38-41, 44, 46-49, 52, 54, 56-58, and 62 64-69 are rejected under 35 U.S.C. 102(c) as being anticipated by Hyuga (US 5,818,733).

Re claim 38, Hyuga discloses a system (fig. 13) comprising: a movement module (2 of fig. 13) configured to receive first data from a first detector (e.g. 27-1 of fig. 13),

wherein the first data (a location of a player or person is detected by the GPS system, e.g. fig. 10, associated with the first detector, e.g. 27-1 of figs. 3 and 13) is associated with an object (a player or patient) in a first observation range (e.g. 27-1 of fig. 3),

wherein the movement module (2 of fig. 1) is further configured to determine a movement vector (fig. 3, moving of the object from camera 27-1 to 27-n) based at least in part on the first data (first location of the object, fig. 10, within the first observation range of the first detector, 27-1 of figs. 3 and 13) and object data (e.g. 51 and 1 of fig. 13) received from a mobile unit (e.g. 1 of fig. 1) physically associated with the object (condition of a patient or player),

wherein the movement module (2 of fig. 13) is further configured to determine a second observation range (26 of fig. 13) associated with the object; and

a processor (3 of fig. 13) configured to select the first detector (27-1 of fig. 13) based at least in part on the first observation range, wherein the processor is further configured to select a second detector (27-2 of fig. 13) based at least in part on the movement vector (e.g. fig. 3) and the second observation range (27-2 of fig. 13);

wherein the first detector (27-1 of figs. 3 and 13) is configured to automatically hand-off observation of the at least-one object to the second detector (27-2 of figs. 3 and 13) in response to the processor (3 of fig. 13) selecting the second detector (27-2 of fig. 13) in an observation range (pan, tilt, and zoom controls, 26 of fig. 13) of the at least one object (e.g. fig. 4).

Re claim 39, Hyuga further discloses wherein a distance between the second detector and a neighbor-of the first detector is greater than a distance between the first detector and a third detector (fig. 3).

Re claim 40, Hyuga further discloses wherein the second detector is activated in response to an instruction from at least one of the responsive to the processor or the movement module, and wherein the first detector is configured to automatically hand-off the observation of the object to the second detector in response to an instruction from at least one of the processor or the movement module (see 22, 26, and 3 of fig. 13).

Re claim 41, Hyuga further discloses wherein the mobile unit generates a position signal if the object moves within at least one of the first observation range or the second observation range (1 of fig. 13).

Re claim 44, Hyuga further discloses wherein the movement vector is determined using at least one of an extrapolated positional signal, an extrapolated visual signal, a last-stored positional or a last-stored visual signal (e.g. fig. 10).

Re claim 46, Hyuga further discloses wherein an electronic file comprising at least one of a recorded voice transmission, a recorded music transmission, a live voice transmission or a live music transmission is provided to the at least-one object via a network (16, 24, and 31 of fig. 13).

Re claim 64, Hyuga further discloses wherein the object data is object location data (e.g. fig. 10, GPS).

Re claim 65, Hyuga further discloses wherein the processor (3 of fig. 13) is configured to select a second detector (e.g. 27-2 of figs. 3 and 13) in response to at least one of the object being in the second observation range, an expectation that the object will be in the second observation

range (e.g. fig. 3), a predicted trajectory of the object, an actual trajectory of the object being directed toward the second observation range (figs. 10 and 11), or the object being about to enter the second observation range (e.g. figs. 3, 10, and 11).

Re claims 47-49, 52, 54, and 66, see analysis in claims 38-41, 44, 46, 64-65;

Re claims 56-58, 50, and 62, see analysis in claims 38-41, 44, 46, 64-65;

Re claims 67-69, see analysis in claims 38-41, 44, 46, 64-65.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 42 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyuga (US 5,818,733) in view of Anderson (US 5,684,476).

Re claims 43 and 50, the combination of Hyuga does not disclose the mobile unit comprises an accelerometer as claimed.

Anderson teaches an accelerometer (col. 11, lines 24-25) configured to provide data indicative of movement of the to facilitate generating the object location information trigger object position calculation (fig. 3, calculate new position, e.g. 84 of fig. 3).

Taking the teachings of Hyuga and Anderson as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Anderson into the combination of Hyuga to improve the accuracy of the object position information.

5. Claims 43, 45, 51, 53, 55, 59, 61, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyuga (US 5,818,733) in view of Bro (US 5,722,418).

Re claims 43, 45, 51, 53, 59, and 61, Hyuga does not particularly disclose wherein the processor is further configured to receive from a database object information comprising at least one of an object name, an object identifier, an object, a group, an object query, an object condition, an object status, an object location, an object time, an object error, and an object image, a video broadcast signal, a representation of an object identity, or an audio broadcast signal; wherein the object is authenticated according to at least one of a voice pattern, a magnetic signal or a smart-card signal as claimed.

Bro teaches wherein the processor (16 of fig. 1) is further configured to receive from a database object information (12 of fig. 1) comprising at least one of an object name, an object identifier, an object, a group, an object query, an object condition, an object status, an object location, an object time, an object error, and an object image, a video broadcast signal, a

representation of an object identity, or an audio broadcast signal (e.g. 42, 44, 54, and 58 of fig. 1); wherein the object is authenticated according to at least one of a voice pattern, a magnetic signal or a smart-card signal (42 of fig. 1, note another preferred embodiment would be the use of human interface technology to recognize the patient's, employees or client's, 50 of fig. 1, gestures for interpreting body language and speech recognition).

Therefore, taking the teachings of Hyuga and Bro as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Bro into the system of Hyuga to improve the identified user.

Re claims 55 and 63, Hyuga further teaches wherein the processor (3 of fig. 13) confirms the identity of the object (e.g. 31 and 53 of fig. 13) by processing a visual image of the object using at least one adaptive learning software or neural learning software to recognize the object automatically (see also 12, 16, and 200 of fig. 1, Bro).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/

Primary Examiner, Art Unit 2621